

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMES HOWINGTON,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 08-0552-CG-B
)	
SMURFIT-STONE CONTAINER)	
ENTERPRISES, INC., a foreign)	
corporation, MICHAEL D. WADE, an)	
individual, ROSEMARY WEAVER,)	
an individual, TRACIE NORWOOD,)	
an individual,)	
)	
Defendants.)	

ORDER

This matter is before the court on the Notice of Bankruptcy Filing and the Automatic Stay of this Civil Action filed by defendant Smurfit-Stone Container Enterprises, Inc. on January 26, 2009 (Doc. 15), in which the defendant represents that it has filed for relief under Chapter 11 of the United States Bankruptcy Code. Therefore, this action is stayed as to Smurfit-Stone Container Enterprises, Inc. pursuant to 11 U.S.C., § 362.

Unless the plaintiff can show good cause why the case should not be stayed as to defendant Michael D. Wade **on or before February 6, 2009**, this action shall be stayed in its entirety without further order of the court, and the clerk of court shall place the case on the court's administrative docket pending further order of the court.¹

¹The court notes that there is no proof of service on defendants Rosemary Weaver and Tracie Norwood, and that the deadline for service expired on January 23, 2009. Therefore, unless the plaintiff can show cause why he has failed to serve said defendants **on or before February 6, 2009**, his claims against defendants Rosemary Weaver and Tracie Norwood shall be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure without further order from the court.

The parties shall notify the court within thirty (30) days of the resolution of bankruptcy proceedings or a lift of the stay, at which time this action shall be reinstated to the court's active docket.

DONE and ORDERED this 27th day of January, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE